

APPLICANT(S): Elad Barkan
SERIAL NO.: 09/871,661
FILED: June 4, 2001
International Priority: Aug 12, 1999

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The Applicant declares being a small entity.

Payment of the required fees

A Credit Card Payment Form, with a total payment for \$ 1,145 is attached.

Power of Attorney

Please cancel all Power of Attorney in this file.

All communications should be directed to the Applicant himself:

Elad Barkan

12 Habanin Street,

Kefar Sirkin 49935,

ISRAEL

Email: moti@barkan.org

The Examiner is requested to update the file accordingly.

REMARKS

The present response intends to be fully responsive to all points of objections and/or rejections raised by the Examiner and are believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

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Claims 1- 39 have been cancelled.

Claims 40 - 42 are pending in the application.

The Applicant withdraws the statement in the previous communication that claim 43 was submitted. This was just a mistake.

35 U.S.C. § 102 Rejections

On Pages 2-4 of the Office Action, in Paragraphs 2-5 the Examiner has rejected claims 40 - 42 under 35 U.S.C. §102(e) as being anticipated by Barany, US Patent No. 6,594,252 ("**Barany**").

Before diving into the technical explanations, the applicant would like to informally describe why Barany does not teach or imply of what is claimed. In his response, the examiner reads the claimed gateway as Barany's entire system: with reference to Barany's Fig. 1.A and Fig 1.B), the examiner reads Unit 35, 36, 12, and 25 as the gateway that is claimed. Furthermore, the examiner reads the "database functionality" as implemented by storage unit 71, which is a part of unit 35. As a result, it turns out that the database functionality 71 resides *as a component* of the gateway, and the data flow of between the mobile device and the data network 32 is regulated based on the information stored in this database. However, in the claimed gateway, the consideration related policy database is associated with the *the data network*, rather than with the gateway.

For example, according to what is claimed, the database is located on the Internet, and the controler in the gateway regulates data flow between the mobile device and the Internet based on the database that resides on the Internet. The novel structure is not part of prior art cellular systems (like the one Barany teaches), as the database in those systems is never located in the Internet, but rather, the database is always located as part of the cellular system. The novel gateway is used in a novel method as a part of a

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novel system, in which the data flow is regulated based on information stored on a consideration related policy database functionally associated with the data network. This completes the informal description.

Formally:

Barany discloses "A mobile communication system (that) includes a first link and a second link... From information identifying a current frame structure in the first link, a pointer to the current frame structure of the second link can be derived". (See Abstract of Barany).

Conversely, independent claims 40 – 42 clearly recite the limitation of "**based on information stored on a consideration related policy database functionally associated with the data network**". (See at the bottom of each of the claims 40, 41 and 42).

Barany does not disclose, teach or suggest this limitation. Regulating the Controller "**based on information stored on a consideration related policy database functionally associated with the data network**" (See at the bottom of claims 40 and 41) and "**Regulating data between the mobile device and the packet based data network based on information stored on a consideration related policy database functionally associated with the data network**" (See at the bottom of claim 42), was not suggested, taught or disclosed by Barany.

As well established under U.S. patent law, for a reference to anticipate a claim, the reference must teach all elements of the claim.

Regarding paragraph 3 of the office action, with regards to claim 40, the Examiner alleges at the bottom of his paragraph 3 that Barany discloses a "controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration policy database". The Examiner did not cite any reference to the bottom limitation of claim 40 "**functionally associated with the data network**".

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The Examiner cited Col. 11 lines 15-33 from Barany that read:

"The data traffic service node **35** includes interface units **77** and **79** for communicating over the Gs, and Gb links, respectively, in one embodiment. The processing core of the data traffic service node **35** includes a control unit **69**, which maybe implemented with computer systems, processors, or other control devices. A storage unit **71** including machine-readable storage media is coupled to the control unit **69**. Instructions associated with the routines and modules that make up the data traffic system controller **40** may he initially stored in the storage unit **71** and loaded by the control unit **69** for execution. The data traffic service node **35** further includes an interface **81** (e.g., a Gn interface) for communicating with the GGSN **36** (FIG. 1A). In another embodiment, the interface **81** may be a network interface controller or other transceiver capable of communicating over the data network **32**. In further embodiments, the data traffic and primary traffic system controllers **40** and **42** may be implemented in one platform and executable by the same control unit."

Applicant fails to see how the cited paragraph is relevant to the limitation in the bottom of claim 40: "**functionally associated with the data network**". This limitation is a fundamental part of each of the claims 40, 41 and 42. This limitation is not disclosed, taught or suggested by Barany.

Regarding paragraphs 4 and 5 of the office action, that refer to claims 41 and 42 respectfully, the Examiner cited the same reference cited above of col. 11 lines 15-33 of **Barany**. The Applicant repeats his argument that the limitation in the bottom of each one of claims "**functionally associated with the data network**" is not disclosed, taught or suggested by Barany.

In distinction to Barany, the present invention and claims disclose a gateway (claim 40), a communication system (claim 41) and a method (claim 42), all of them have the final limitation "**functionally associated with the data network**".

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The following is an example to show the relevancy of this specific limitation "**functionally associated with the data network**". Assume a gateway that allows a user to connect through it to the Internet. In this invention we do not assume that the gateway has the criteria to decide who is eligible to connect through the gateway. This invention has the limitation (feature) that the gateway's criteria is located somewhere in the Internet and is "**based on information stored on a consideration related policy database functionally associated with the data network**" and not in the gateway or its controller. Such a feature is not disclosed, taught or suggested by **Barany**.

The Applicant has carefully reviewed the cited prior art even though the Examiner did not rely on it, namely **Johnson** et al (US 6,497,599) and **Barany** et al (US 6,944,146). These cited prior art do not disclose, teach or suggest any of the claims 40 through 42.

In view of the foregoing remarks, all pending claims 40 through 42 are considered allowable. Their allowance is respectfully requested.

Respectfully submitted,



Elad Barkan

12 Habanin Street,
Kefar Sirkin 49935,
ISRAEL

Email: moti@barkan.org